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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/910,429	07/20/2001	Robert T. Baum	VE23.28	2654
25537	7590	11/04/2010	EXAMINER	
VERIZON			PYZOCHA, MICHAEL J	
PATENT MANAGEMENT GROUP			ART UNIT	PAPER NUMBER
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NOTIFICATION DATE		DELIVERY MODE		
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patents@verizon.com

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/910,429	BAUM, ROBERT T.	
	<b>Examiner</b>	<b>Art Unit</b>	
	MICHAEL PYZOWA	2437	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 09 September 2010.

2a) This action is **FINAL**.                            2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1,2,4-24,26-28 and 30-38 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) 1,2,4-16,28 and 30-38 is/are allowed.

6) Claim(s) 17-24,26 and 27 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date _____ .	6) <input type="checkbox"/> Other: _____ .

## DETAILED ACTION

1. Amendment filed 09/09/2010 has been received and considered.
2. Claims 1, 2, 4-24, 26-28, and 30-38 are pending.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 17, 21-24 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schell et al. (US 6477648) in view of Ames et al. (US 7222188).

As per claims 7, 21 and 24, Schell et al. discloses receiving a packet having at least a part of layer 2 header information with a unique bit string (see Schell et al. column 4 lines 55-67 where the address is a unique bit string and column 3 lines 1-19); examining at least a part of the unique bit string (see Schell et al. column 4 line 65 through column 5 line 4); comparing the at least a part of the unique bit string examined with stored information (see Schell et al. column 5 lines 4-13); and authenticating the party only if the at least a part of the unique bit string examined matches the stored information where no other information is needed to authenticate the party (see Schell et al. column 5 lines 13-21) and determining the network ingress location from the at least part of the unique bit (see Schell et al. column 3 lines 1-19).

Schell et al. fails to disclose that the packet has at least part of layer 2 header information replaced with a unique bit string.

However, Ames et al. teaches a packet has at least part of layer 2 header information replaced with a unique bit string (see column 3 lines 53-60).

At the time of the invention it would have been obvious to a person of ordinary skill in the art for the packets of Schell et al. to have a portion of its layer 2 header information to be replaced.

Motivation to do so would have been to allow for proxy forwarding (see Ames et al. column 3 lines 53-60).

As per claims 22 and 23, the modified Schell et al. and Ames et al. system discloses the unique bit string is provisioned and controlled by a network service provider (see Ames et al. column 3 lines 53-60).

As per claims 26 and 27, the modified Schell et al. and Ames et al. system discloses the unique bit string is maintained as the packet is communicated within the network (see Ames et al. column 3 lines 53-60) and it identifies a logical port at which the packet entered the network (see Ames et al. column 3 lines 53-60 the MAC address).

5. Claims 18-20, are rejected under 35 U.S.C. 103(a) as being unpatentable over the modified Schell et al. and Ames et al. system as applied to claims above, and further in view of Camp et al. (US 6317729).

As per claims 18-20, the modified Schell et al. and Ames et al. system fails to explicitly disclose the unique bit string depends on the individual of a group or a customer.

However, Camp et al. teaches such unique information (see column 9 line 52 through column 10 line 5).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the information of Camp et al information as part of the unique bit string of the modified Schell et al. and Ames et al. system.

Motivation to do so would have been to include information about the buyer in the transaction (see Camp et al. column 9 line 52 through column 10 line 5).

### ***Response to Arguments***

6. Applicant's arguments, see page 9 of the remarks, filed 09/09/2010, with respect to the rejection of claims 1, 28 and 33 have been fully considered and are persuasive. The rejection of claims 1, 28 and 33 has been withdrawn.

7. Applicant's arguments filed 09/09/2010 with respect to claims 17 and 24 have been fully considered but they are not persuasive. Applicant argues that Schell fails to disclose determining the network ingress location from the at least a part of the unique bit string.

With respect to this argument Schell teaches that a NIC can verify source addresses such that it only accepts packets from trusted sources. The source address is from a node/network where the packet entered the network (i.e. a network ingress

address). This is done by comparing the source address to a range of acceptable addresses that are trusted nodes/networks. Therefore Schell (in combination with Ames) teaches the limitations of claims 17 and 24.

***Allowable Subject Matter***

8. Claims 1, 2, 4-16, 28, and 30-38 are allowed.
9. The following is a statement of reasons for the indication of allowable subject matter: The prior art teaches replacing part of the layer 2 header information with a unique bit string for authenticating users/nodes by comparing the unique bit string. However, the prior art does not teach that this bit string depends on the type of financial transaction taking place as required by claims 1, 28 and 33.

***Conclusion***

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL PYZOWCHA whose telephone number is (571)272-3875. The examiner can normally be reached on Monday-Thursday, 7:00am - 3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Michael Pyzocha/  
Primary Examiner, Art Unit 2437